

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS MAKING FINDINGS FOR UNEXPENDED DEVELOPMENT FEES IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 66001, AND REVIEWING AND ACCEPTING ANNUAL DEVELOPMENT FEE DISCLOSURE INFORMATION

WHEREAS, the Mitigation Fee Act, Government Code Section 66000 *et seq.*, authorizes the City of Milpitas (“City”) to impose, collect, and expend mitigation fees to offset the impacts of development within the City; and

WHEREAS, among the procedural requirements mandated by the Mitigation Fee Act is a requirement that beginning with the fifth fiscal year following deposit of development fees into a designated account, and each fifth fiscal year thereafter, the City make specified findings regarding any portion of the fees that remain unexpended; and

WHEREAS, a portion of the fees currently deposited in the City’s Traffic Impact Fee Fund were collected over five (5) years ago, and therefore the City wishes to make the findings required by Government Code Section 66001(d); and

WHEREAS, the City also wishes to review and approve reports required by the Mitigation Fee Act under the annual information disclosure requirements of Government Code Section 66006(b), including but not limited to the amount of the fee, the beginning and ending balance of the fee account or fund, and the interest earned thereon.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council finds that the Traffic Impact Fee Fund currently contains Twenty Two Thousand Five Hundred Seventy-Nine Dollars (\$22,579) in unexpended traffic impact fees that were collected over five (5) years ago from developers and/or property owners for the Montague Expressway Widening project (“Unexpended Fee”).
3. In accordance with Government Code section 66001(d)(1), the City Council finds as follows:
 - (A) The Unexpended Fee will be used to provide for the Montague Expressway Widening project as identified in the City’s Capital Improvement Plan.
 - (B) There exists a reasonable relationship between the Unexpended Fee described above and the purpose for which it was charged because the improvements will mitigate the increased traffic caused by development and ensure that adverse traffic impacts can be minimized by implementing needed roadway improvements.
 - (C) Based on the Milpitas Transit Area Infrastructure Financing Technical Report dated August 2008, the estimated total cost of the Montague Expressway Widening Project is approximately Thirty-Eight Million Five Hundred Thousand Dollars (\$38,500,000), of

which the City's share is approximately Twenty-Five Million Five Hundred Thousand Dollars (\$25,500,000). The City's funding source will include the Unexpended Fee of Twenty Two Thousand Five Hundred Seventy-Nine Dollars (\$22,579), and future traffic impact fees to be collected for this project within the nexus area along Montague Expressway.

- (D) The Unexpended Fee has been deposited in the Traffic Impact Fee Fund, which is the appropriate fund to finance the Montague Expressway Widening project. Roadway improvements will be implemented when adverse traffic condition is triggered by developments and when sufficient funds are collected for roadway improvement implementation to mitigate the adverse traffic condition.
4. In accordance with Government Code Section 66006(b), the City Council has reviewed and accepted the annual disclosure information made available to the public regarding City mitigation fees which was presented to the City Council in the staff report and attached to this Resolution as **Exhibits 1-4**, and also placed on file with the City Clerk.

PASSED AND ADOPTED this _____ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

City of Milpitas

Annual Report of Development Fees and Expenditures for the
Fiscal Year ended June 30, 2016

Exhibit 1 - Traffic Impact Fee

In order to implement the goals and objectives of the City of Milpitas' General Plan and to mitigate the impacts caused by new development in the City of Milpitas, certain public facilities must be or had to be constructed. The City Council has determined that development impact fees are needed in order to finance these public improvements and to pay for the development's fair share of the construction costs of these improvements. In establishing the development impact fee described below, the City Council finds the fee to be consistent with its General Plan and, pursuant to Government Code Section 65913.2 (Municipal Code, VIII-4-1.01). The amount of the fee as of June 30, 2016 was as follows:

Area Covered	Type of Dwelling	Amount
Mid-Town		\$128 per PM peak trip
S. Main Street		\$317 per average daily trip
Citywide except TASP to widen Montague Expressway		\$1,024 per PM peak trip
Citywide except TASP to widen Calaveras Boulevard	Residential 5 or more units	\$266 per dwelling unit
	Retail Development of 1,000 or more square feet	\$803 per thousand square feet
	Office Development of 1,000 or more square feet	\$685 per thousand square feet
	Other Uses	A focused nexus study will be required

Exhibit 1- continued

Traffic Impact Fee Fund
Statement of Revenues, Expenditures, and Changes in Fund Balances for
Fiscal Year 2015-2016

Revenues:

Traffic Fees	\$ 64,419
Interest	<u>12,005</u>
Total Revenues	<u>76,424</u>

Expenditures:

CIP 4253- Dixon Landing Road Plan Line	31,960
CIP 4278- Milpitas Boulevard Plan Line Study	<u>150,000</u>
Total Expenditures	<u>181,960</u>

Excess (deficiency) of revenues over (under) expenditures	(105,536)
Fund Balance, beginning of year	<u>1,441,791</u>
Fund Balance, end of year	<u><u>\$1,336,255</u></u>

CIP Number	Project Description	% of the project funded with development fees
4253	This project provides for the preparation of a Plan Line Study to evaluate the widening of Dixon Landing Road from N. Milpitas Boulevard to I-880 from 2 lanes to 3 lanes in each direction.	92%
4278	This project provides for the preparation of a Plan Line Study to evaluate the feasibility of installing landscaped median islands on N. Milpitas Blvd. between Jacklin and Sunnyhills Ct.	100%

Exhibit 2- Transit Area Specific Plan (TASP) Impact Fee

The purpose of the Transit Area Specific Plan Impact fee is to fund the planning and development of an approximately 437-acre area in the southern portion of the City near the Great Mall shopping center.

Type of Dwelling	Amount
Residential	\$32,781 per unit
Retail	\$22.80 per square foot
Office	\$36.60 per square foot

Exhibit 2- Continued
Transit Area Specific Plan (TASP) Impact Fee Fund
Statement of Revenues, Expenditures, and Changes in Fund Balances for
Fiscal Year 2015-2016

Revenues:

TASP Impact Fees	\$ 28,971,795
Interest	<u>124,100</u>
Total Revenues	<u>29,095,895</u>

Expenditures:

1. Sewer Infrastructure	396,758
2. Parks and Community Facilities	5,738,553
3. TASP Underground Utility	40,000
4. Reclaimed Water- Milpitas Blvd	484,421
5. Planning and other preparation cost	268,955
6. Interest on Interfund Loans	<u>53,648</u>
Total Expenditures	<u>6,982,335</u>

Excess (deficiency) of revenues over (under) expenditures	22,113,560
Fund Balance, beginning of year	<u>(5,362,080)</u>
Fund Balance, end of year	<u>\$16,751,480</u>

Item Number	Project Description	% of the project funded with development fees
1	Sewer Infrastructure improvements for the Contour Trade Zone residential project located at Trade Zone Blvd. and Montague Expressway.	100%
2	Construction of Parks and Community Facilities related to the following residential projects: 1) Traverse located at Trade Zone Blvd., 2) Citation Homes- Amalfi located at Piper Dr. and Montague Expressway, and 3) Pulte Homes- Milpitas Station located at S. Milpitas Blvd and Montague Expressway.	100%
3	This project provides for the creation of a new utility underground district that covers the City's Transit Area Specific Plan redevelopment area. The purpose of the district is to allow for the undergrounding of existing overhead electric, PG&E, Cable TV, and Phone lines.	100%
4	Reclaimed Water Site Improvement related to Citation Homes- Amalfi residential project.	100%
5	Planning and other preparation costs of the Transit Area Specific Plan.	100%
6	Interest on interfund loans advanced from Sewer and TOT funds.	100%

Exhibit 3 – Storm Drain Fee

The purpose of the storm drain fee is to fund facilities necessary to provide storm drain services, and revenues derived from the fee imposed by the City shall be used solely for that purpose. Prior to connection or discharge to any storm drain facility from a new development project, developers shall pay City a fee for connection/discharge to the City's storm drain system (Municipal Code XI-16). The developers may also be assessed with mitigation fee due to the impact to the storm drain system. The amount of the fee as of June 30, 2016 was as follows:

Type of Dwelling	Parcel Size	Per Parcel Fee
Connection Fees		
Single-family medium density	Equal or smaller than 8,710 square feet	\$1,100
Single-family low density	Between 8,711 and 43,560 square feet	\$1,916
Single-family	Between 1 acre and 4 acres	\$3,594
Single-family	Between 4 acre and 9 acres	\$4,792
Single-family	Greater than 9 acres	\$6,469
Multiple-family		\$16,771 per acre
Commercial, industrial, institutional, or mixed use sites		\$21,562 per acre
Schools with athletic fields		\$7,187 per acre
Parks		\$4,792 per park
Offsite Storm Mitigation Fee		Various depending on the agreed-upon impact assessment

Exhibit 3- continued
Storm Drain Development Fund
Statement of Revenues, Expenditures, and Changes in Fund Balances for
Fiscal Year 2015-2016

Revenues:

Connection Fees	\$ 371,540
Transfer in from closed CIPs	430,267
Interest	<u>22,880</u>
 Total Revenues	 <u>824,687</u>

Expenditures:

CIP 3709- Dempsey Road Storm Drain Project	400,000
CIP 3711- BART Project	250,000
CIP 3712- Minor Storm Drain Project 2016	<u>100,000</u>
 Total Expenditures	 <u>750,000</u>

Excess (deficiency) of revenues over (under) expenditures	74,687
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Fund Balance, beginning of year	<u>928,814</u>
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Fund Balance, end of year	<u>\$ 1,003,501</u>
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CIP Number	Project Description	% of the project funded with development fees
3709	The Dempsey Road Storm Drain Project includes replacement of three segments of storm drainage piping around the Dempsey Road area and installation of two outfall into Los Coches at Dempsey.	28%
3711	The BART project will cause the relocation of existing storm drain utilities along the BART corridor at its own expense. The City has identified additional storm drain improvements which should be completed as part of the BART Utility relocation effort. These include rerouting storm drain lines on Capitol Avenue to eliminate localized annual flooding and other enhancements.	100%
3712	The Minor Storm Drain Project 2016 involves the ongoing analysis and implementation of various minor modifications and improvements to the existing storm drain systems.	100%

Exhibit 4 – Park Development Fee

The purpose of the park development fee is to fund design and construction of park and park improvements required to mitigate the impact of new development. The amount of the fee as of June 30, 2016 was as follows:

Area Covered	Amount*
Mid-Town/TASP	\$64/sq ft \$2,787,840 per acre
Citywide, excluding TASP and Mid-Town	\$53/sq ft \$2,308,680 per acre

*Amount based on density and unit type.

Park Development Fee Fund
Statement of Revenues, Expenditures, and Changes in Fund Balances for
Fiscal Year 2015-2016

Revenues:

Park Development Fees	\$ 0
Interest	<u>6,412</u>
Total Revenues	<u>6,412</u>

Expenditures:

CIP 5101 – International Park	500,000
CIP 5103 – MSC Pool Rehabilitation	1,500,000
CIP 5104 – Sports Center Sports Field	<u>1,183,276</u>
Total Expenditures	<u>3,183,276</u>

Excess (deficiency) of revenues over (under) expenditures	(3,176,864)
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Fund Balance, beginning of year	<u>3,176,864</u>
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Fund Balance, end of year	<u>\$ 0</u>
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CIP Number	Project Description	% of the project funded with development fees
5101	This project provides for the design and construction of an International Park. The park concept is to provide a public space with an educational non-political theme of culture, arts, history, architecture, geography, and native plants for each participating international group.	100%
5103	This project provides improvements to the Milpitas Sports Center Pool facility.	100%
5104	This project provides for the design and construction of a synthetic turf U-11 soccer field and a multi-purpose field that can be used as one football field, two U-9/10 soccer fields or as one U-13 soccer field.	26%